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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 UNITED STATES OF AMERICA,
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13 vs. Plaintiff,
14 BRENT ROGER WILKES,
15 Defendant.
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CASE NO. 07cr0330-LAB

**ORDER ON MOTION TO
CONTINUE SENTENCING**

[Doc. No. 185]

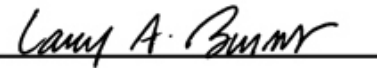
17 The United States Probation Report in this case was inexplicably filed 18 days late.
18 The Court has reviewed the defendant's motion to continue the sentencing, currently
19 scheduled for January 28, 2008 [Doc. #185], and the government's response thereto [Doc.
20 #187]. Federal Rule of Criminal Procedure 32(e)(2) requires the probation officer to give the
21 defendant and his counsel a copy of the presentence report at least 35 days before the
22 sentencing date. As defendant Wilkes refuses to waive the 35-day notice period, the Court
23 finds the sentencing hearing must be continued.

24 **IT IS HEREBY ORDERED** that the sentencing hearing for defendant Brett Roger
25 Wilkes, currently scheduled for January 28, 2008, is VACATED. Sentencing of defendant
26 Wilkes shall occur on **February 19, 2008, at 9:30 a.m.** No further continuance of the
27 **sentencing date will be granted.** The government's motion to remand Wilkes to custody
28 is DENIED.

1 **IT IS FURTHER ORDERED** that the United States Probation Office shall forthwith
2 produce any documentation supporting the recommended loss calculation. Unless otherwise
3 included in the foregoing materials, Wilkes' motion for production of "the sentencing
4 documents of his codefendants" is denied.

5 **IT IS FURTHER ORDERED** that the United States Probation Office shall timely file
6 any further documents pertaining to this case, including any addendum to the Probation
7 Report.

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9 DATED: January 18, 2008

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11 **HONORABLE LARRY ALAN BURNS**
12 United States District Judge
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